

No. 15830

**United States
Court of Appeals
For the Ninth Circuit**

MARTHA JORDAN,

Appellant,

vs.

STATES MARINE CORPORATION OF DELA-
WARE, a Corporation,

Appellee.

Transcript of Record

Appeal from the United States District Court
for the District of Oregon

FILED
FEB 13 1958

PAUL P. O'BRIEN, CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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**NAMES AND ADDRESSES OF ATTORNEYS
OF RECORD**

PETERSON, POZZI AND LENT;
BERKELEY LENT,
EDWIN A. YORK,
901 Loyalty Building,
Portland 4, Oregon,
For Appellant.

WHITE, SUTHERLAND & WHITE;
WILLIAM F. WHITE,
1100 Jackson Tower,
Portland 5, Oregon.

GRAHAM, JAMES & ROLPH,
310 Sansome Street,
San Francisco, California,
For Appellees.

In the District Court of the United States
for the District of Oregon

Civil No. 9220

MARTHA JORDAN,

Plaintiff,

vs.

STATES MARINE CORPORATION OF DELA-
WARE, a Corporation,

Defendant.

PETITION FOR REMOVAL OF CIVIL CAUSE
FROM STATE COURT

Comes now States Marine Corporation of Delaware, defendant above named, and petitions the above-entitled Court to cause the removal of the above-entitled cause from the Circuit Court of the State of Oregon for the County of Multnomah to the District Court of the United States for the District of Oregon and in its verified petition filed herein alleges:

I.

That on the 17th day of June, 1957, one Martha Jordan, as plaintiff, commenced an action in the Circuit Court of the State of Oregon for the County of Multnomah against your petitioner, States Marine Corporation of Delaware, a corporation, organized and existing under the laws of the State of Delaware, and against no other defendants, wherein, among other things, said plaintiff alleges in her complaint that while her husband, Johnnie Jordan, was

working as a seaman aboard the vessel SS "Cotton State," on or about the 3rd day of January, 1956, and the 17th day of February, 1956, said vessel at the time being owned and operated by your petitioner, he sustained certain personal injuries, which caused plaintiff to suffer loss of her husband's consortium to her damage in the amount of \$50,000.00. Plaintiff further alleges that said damages were proximately caused by both the negligence of petitioner as well as the unseaworthiness of the vessel at the time owned and operated by petitioner. Said complaint as filed in the State Court is numbered 240-355.

II.

A true copy of the aforementioned complaint together with summons as issued by State Court and constituting all process, pleadings and orders served upon your petitioner are set forth in Exhibit "A" of this petition and made a part hereof by reference.

III.

Said summons and complaint as set forth in Exhibit "A," constituting initial pleadings and process in the cause, were served upon petitioner on the 17th day of June, 1957, in the City of Portland, Oregon.

IV.

That now and at all times herein mentioned, your petitioner as defendant in said civil cause is and was a corporation organized and existing under the laws of the State of Delaware and as such was and is a resident and citizen of the State of Delaware.

V.

That said complaint of plaintiff fails to disclose the residence or citizenship of the plaintiff, Martha Jordan. Petitioner alleges upon information and belief that she is a resident and citizen of the State of Oregon.

VI.

That petitioner is entitled to have said cause removed from the State Court to the above-entitled District Court of the United States for the District of Oregon, pursuant to Title 28, U.S.C.C., Section 1441 upon two grounds:

(1) The controversy as set forth in plaintiff's complaint involves a sum in excess of \$3,000.00, exclusive of interest and costs and is between a resident and citizen of the State of Delaware, and a resident and citizen of the State of Oregon.

(2) The subject of the controversy is one within the admiralty jurisdiction of the above-entitled Court and, thus, the jurisdiction of this Court is founded on a claim or right arising under the Constitution, treaties or laws of the United States, if any claim at all exists.

VII.

That petitioner has filed its petition within twenty days from service upon it of initial pleadings or process; has simultaneously with the filing of its petition filed a removal bond as required by law; filed a copy of this petition with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and has given notice to the adverse party of said petition and said filings as required by law.

Wherefore, petitioner, States Marine Corporation of Delaware, as the defendant in the aforescribed cause of action, prays that the said cause be forthwith removed to the above-entitled Court.

WHITE, SUTHERLAND AND
WHITE,

/s/ WILLIAM F. WHITE,
GRAHAM, JAMES & ROLPH,
Attorneys for Defendant, States Marine Corporation of Delaware.

State of Oregon,
County of Multnomah—ss.

I, William F. White, being first duly sworn, depose and say: That I am one of the attorneys and proctors of States Marine Corporation of Delaware, a corporation, organized and existing under the laws of the State of Delaware, and that I make this verification for and on behalf of said corporation, the petitioner herein for the reason no officer of said corporation is presently within Portland, Oregon, wherein your affiant has his law office, and that the foregoing petition is true as I verily believe.

/s/ WILLIAM F. WHITE.

Subscribed and sworn to before me this 27th day of June, 1957.

[Seal] /s/ JOHN YERKOVICH,
Notary Public for Oregon.

My commission expires: 7-19-59.

EXHIBIT A

In the Circuit Court of the State of Oregon
for the County of Multnomah

No. 240355

MARTHA JORDAN,

Plaintiff,

vs.

STATES MARINE CORPORATION OF DELA-
WARE, a Corporation,

Defendant.

COMPLAINT

Comes now plaintiff and for cause of action against the above-named defendant, complains and alleges as follows:

I

That at all times hereinafter mentioned, defendant was and now is a corporation organized and existing under and by virtue of the laws of the State of Delaware with an office and principal place of business in Portland, Multnomah County, Oregon; that at all times herein mentioned said defendant corporation was engaged in the operation of ocean-going ships in interstate and foreign commerce, and among such vessels which were owned, operated, controlled and managed by said defendant corporation was a vessel known as the SS Cotton State.

II.

That on and prior to January 3, 1956, this plaintiff was and now is the wife of Johnnie Jordan, who

was working as a seaman for said defendant corporation aboard said vessel in the capacity of galley utility; that on said date while said Johnnie Jordan was in the course of his employment he was caused to fall in said galley solely due to the unseaworthiness of said vessel and its appurtenances, and the negligence of said defendant corporation, its officers, agents and employees, as hereinafter set forth; that thereafter and while said Johnnie Jordan was in the course of his employment as hereinafter set forth and on or about February 16, 1956, said Johnnie Jordan was caused to fall in said galley solely due to the unseaworthiness of said vessel and the negligence of the above-named defendant corporation, its officers, agents and employees.

III.

That at the time and place of said accident of January 3, 1956, the above-named defendant corporation, its officers, agents and employees, were negligent, and said vessel and its appurtenances were unseaworthy in one or more of the following particulars:

1. Said vessel and its appurtenances were unseaworthy in that the galley floor was not made of non-skid material.
2. Said vessel and its appurtenances were unseaworthy in that a nonskid matting was not used on the galley deck.
3. Said vessel was unseaworthy in that the drains in said galley were plugged or defective, so as to

cause water and debris to be on the deck of said galley.

4. Said defendant was negligent in that the galley floor was not made of nonskid material.

5. Said defendant was negligent in that a non-skid matting was not used on the galley deck.

6. Said defendant was negligent in that said matting was placed upside down on the galley floor.

7. Said defendant was negligent in that orders were given to place said matting upside or wrongside down.

8. Said defendant was negligent in allowing water and debris to be and remain on the deck of the galley.

9. Said defendant was negligent in failing to properly inspect said galley deck and particularly the matting thereon before requiring this plaintiff to work.

10. Said defendant was negligent in failing to warn the said Johnnie Jordan of the highly dangerous condition caused by said matting.

IV.

That at the time and place of said accident of February 16, 1956, the above-named defendant corporation, its officers, agents and employees, were negligent and said vessel was unseaworthy in one or more of the following particulars:

1. Said vessel and its appurtenances were unseaworthy in that the galley floor was not made of non-skid material.

2. Said vessel and its appurtenances were unseaworthy in that a nonskid matting was not used on the galley deck.

3. Said vessel was unseaworthy in that the drains in said galley were plugged or defective so as to cause water and debris to be on the deck of said galley.

4. Said defendant was negligent in that the galley floor was not made of nonskid material.

5. Said defendant was negligent in that a non-skid matting was not used on the galley deck.

6. Said defendant was negligent in allowing water and debris to be and remain on the deck of the galley.

7. Said defendant was negligent in failing to properly inspect said galley deck and particularly the matting thereon before requiring this plaintiff to work.

V.

That as a proximate result of said unseaworthiness of said vessel and its appurtenances and the negligence of the above-named defendant, its officers, agents and employees, on said January 3, 1956, said Johnnie Jordan was caused to fall with great force and violence, causing him severe nervous shock, physical and mental pain and suffering, a tearing,

twisting and wrenching of the muscles, tendons, bones, ligaments, nerves and soft tissue of his back and wrist, aggravation of pre-existing degenerative changes of the bones of his wrist, severe back strain and coccygodynia, and injuries to the internal organs of his lower pelvic area, from all of which said Johnnie Jordan was rendered sick, sore, nervous and distressed, and sustained severe bodily injuries; that as a proximate result of said unseaworthiness of said vessel and its appurtenances and the negligence of the above-named defendant, its officers, agents and employees, on said February 16, 1956, said Johnnie Jordan was caused to fall with great force and violence on the galley floor, causing him severe nervous shock, physical and mental pain and suffering, tearing, twisting and wrenching of the muscles, tendons, bones, ligaments, nerves and soft tissue of his back and aggravation of said pre-existing back and internal injuries, from all of which said Johnnie Jordan was rendered sick, sore, nervous and distressed and sustained permanent injuries.

VI.

That by reason of the injuries to said Johnnie Jordan plaintiff has been damaged thereby in the loss of consortium consisting of loss of his society, services, companionship and sexual intercourse, and all to her damage in the sum of \$50,000.00.

VII.

That said Johnnie Jordan is of the age of 56 years with a life expectancy under standard mortality

tables of 17.10 years; that plaintiff is of the age of 47 years with a life expectancy under standard mortality tables of 23.65 years.

Wherefore, plaintiff demands judgment against the above-named defendant in the full sum of \$50,000.00 general damages, and for her costs and disbursements incurred herein.

PETERSON, POZZI & LENT,
/s/ NELS PETERSON,
Attorneys for Plaintiff.

Duly verified.

[Endorsed]: Filed June 27, 1957.

[Title of District Court and Cause.]

Civil No. 9220

REQUEST FOR ADMISSIONS

Defendant, States Marine Corporation of Delaware, pursuant to Rule 36 of the Federal Rules of Civil Procedure, requests plaintiff Martha Jordan to admit the truths of matters of fact set forth in the request herein within ten days from date of service of this request for admissions:

1. That the fall of Johnnie Jordan and the negligence of defendant and/or unseaworthiness of the vessel SS "Cotton State" as alleged in plaintiff's complaint as occurring on or about January 3, 1956,

if it occurred, did occur on the SS "Cotton State" while Johnnie Jordan was a seaman aboard said vessel and while said vessel was on the high seas en route from Long Beach, California, to Yokahoma.

2. That the fall of Johnnie Jordan and the negligence of defendant and/or unseaworthiness of the vessel SS "Cotton State" as alleged in plaintiff's complaint as occurring on or about February 16, 1956, if it did occur, did occur on the SS "Cotton State," while Johnnie Jordan was a seaman aboard said vessel and while said vessel was on the high seas en route from a port in the Far East to San Francisco, California.

3. That the said Johnnie Jordan, husband of plaintiff Martha Jordan brought an action under and pursuant to Section 33 of the Merchant Marine Act of June 5, 1920, commonly known as the Jones Act in the Circuit of the State of Oregon in and for the County of Multnomah, against States Marine Corporation of Delaware, this defendant, in Civil Action No. 231,758 claiming \$60,000.00 general damages and \$5,166.75 special damages for personal injuries alleged to be permanent as well as for loss of past and future wages and medical expenses incurred arising out of the very same occurrence of January 3rd and February 16, 1956, as set forth in plaintiff's complaint on file in the above-entitled action, and after trial of said Civil Cause No. 231,758 the said Johnnie Jordan secured a judgment against States Marine Corporation of Delaware for \$20,166.75 and costs after which the said Johnnie

Jordan voluntarily remitted all of said judgment except \$12,666.75 and costs and thereafter on or about May 27, 1957, States Marine Corporation of Delaware fully satisfied said judgment of record.

4. That the said Johnnie Jordan prior to May 27, 1957, asserted a claim against States Marine Corporation of Delaware for maintenance and cure, past and future, claimed by him to be due as a result of the injuries claimed to have been sustained by him as a result of the occurrence of January 3rd and February 16th, 1956, as set forth in plaintiff's complaint herein.

5. That on or about May 27, 1957, the said Johnnie Jordan executed, in writing, a full and complete release of all claims and demands against States Marine Corporation of Delaware as set forth in Exhibit "A" attached to this request for admissions.

6. That on or about May 27, 1957, for the purpose of satisfying in full that certain judgment above referred to in Civil Cause No. 231,758 and all claims and demands whatsoever of the said Johnnie Jordan including his claim for past and future maintenance and cure, the States Marine Corporation of Delaware paid to Johnnie Jordan the sum of \$14,000.00, receipt of which he acknowledged.

7. That prior to commencement of the herein action, plaintiff Martha Jordan had full knowledge of matters set forth in Item 3 through 6 inclusive of this request for admissions.

8. That Martha Jordan the plaintiff is a resident and citizen of the State of Oregon.

WHITE, SUTHERLAND AND
WHITE,

Attorneys for the Defendant.

/s/ WILLIAM F. WHITE.

Service admitted.

EXHIBIT A

Full Release of All Claims and Demands

To Whom It May Concern:

Whereas, on or about the 1st day of May, 1956, one Johnnie Jordan, the undersigned, commenced an action as plaintiff in the Circuit Court of the State of Oregon for the County of Multnomah, Civil No. 231758 against the States Marine Corporation of Delaware, a corporation, as defendant, in which the said plaintiff claimed damages in the amount of \$60,000.00 arising out of injuries allegedly received while employed as a galley utility aboard the vessel "SS Cotton State" on or about January 3, 1956, and also for a subsequent alleged injury occurring on the same vessel on or about February 16, 1956; and

Whereas, the said defendant answered said complaint and a trial of said cause was had before a jury which on or about March 15, 1957, returned a

verdict in favor of plaintiff for \$20,166.75 after which a motion for a new trial was made after which the Court ordered a new trial unless plaintiff remitted all but \$12,666.75 of said judgment after which plaintiff did remit all but \$12,666.75 of said judgment, after which defendant filed written notice of appeal; and

Whereas, in addition to said claim which the undersigned had against States Marine Corporation of Delaware for matters as set forth in the afore-described action, the said undersigned asserted an additional claim against States Marine Corporation of Delaware and/or the vessel "Cotton State" for maintenance and cure arising out of injuries sustained by him while aboard the "Cotton State" and in consideration of the payment of \$14,000.00 and the full satisfaction of judgment in the aforementioned civil action No. 231758, the undersigned desires and intends to give a full and complete release to said States Marine Corporation of Delaware and the said vessel "Cotton State" of all claims and demands whatsoever.

Now, Therefore, I, Johnnie Jordan, the undersigned, being over the age of twenty-one (21) years and presently residing in Portland, Oregon, for and in consideration of the payment to me of the sum of Fourteen Thousand and no/100ths (\$14,000.00) Dollars in lawful money of the United States of America, the receipt of which money is hereby acknowledged, having remised, released and forever discharged, and by these presents do, for myself, my

heirs, executors, administrators and assigns, hereby remise, release and forever discharge the States Marine Corporation of Delaware, a corporation, its underwriters, its officers, agents and employees as well as the vessel and her owners, operators, charterers, lessees, manager, underwriters, master, officers and crew and each and all of them and all persons, firms and corporations having any interest in and to said vessel "Cotton State" of and from any and all claims and demands of any and every kind, name, nature or description, and from any and all libels, actions, suits or causes of action either at law, in equity or in admiralty or by virtue of any statutory right under any state or federal law which I now have or in the future might have against the said corporations, persons, firms or vessel, including all claims or demands on any account whatsoever, whether or not the same be now existent or be known to me or whether it later develops or becomes existent or known or known to me in the future, by reason of or arising out of personal injuries and/or property damage sustained by me while aboard the said vessel "Cotton State" as a galley utility or crew member of said vessel during the time the said vessel was in port or at sea during a voyage No. 55 commencing on or about December 13, 1955, and terminating on or about February 17, 1956, and whether or not such was included in the subject matter of that certain action which I, as plaintiff, commenced in the Circuit Court of the State of Oregon, for the County of Multnomah, Civil No.

231758 against the States Marine Corporation of Delaware, a corporation, as defendant.

Expressly included in this release but not necessarily limited thereto is my release which I hereby make of any and all claims, known or unknown to me, which I now or in the future may have except for this release against the States Marine Corporation of Delaware, its officers, agents employees and underwriters and the said vessel "Cotton State" and her owners, operators, charterers, underwriters, officers and crew, for past, present or future maintenance and cure under any laws of the United States of America arising out of any accident, occurrence or employment while aboard said vessel "Cotton State" in port or at sea during the voyage No. 55 commencing on or about December 13, 1955, and terminating on or about February 17, 1956.

It is further understood and agreed that this settlement is the compromise of a doubtful and disputed claim and that the payment herein provided for is not to be construed as an admission of liability, which liability is expressly denied by said States Marine Corporation of Delaware, its underwriters, officers, employees, and agents and the vessel "Cotton State" and her owners, operators, charterers, underwriters, officers and crew.

The undersigned does hereby affirm and acknowledge that he has read the foregoing release and fully understands the import of each and every word therein and has executed the same after having

consulted doctors, proctors and attorneys of his own choosing and with full knowledge that the injuries sustained by him while employed aboard the said "Cotton State" while in port or at sea during the voyage No. 55 which commenced on or about December 13, 1955, and terminated on or about February 17, 1956, may be permanent in character; might even increase in severity and other injuries, aches or pains not presently known or felt now might later develop.

The undersigned further acknowledges that he clearly understands the import of each and every word of this release and that by the execution of this release, it is intended by him that he is compromising and settling a disputed claim and forever giving up any and all claims, demands or causes and that this release applies to all unknown, unsuspected as well as unanticipated injuries, aggravations or damages as well as those which are presently known or anticipated by him.

This release contains the entire agreement between the undersigned and the aforementioned corporations, firms, persons and vessel, and that the terms of this release are contractual and not merely recitals.

The undersigned hereby voluntarily executes this full release of all claims and demands on behalf of himself, his heirs, executors, administrators and assigns.

Dated at Portland, Oregon, this 27th day of May, 1957.

/s/ JOHNNIE JORDAN.

Approved as to Form and Substance:

/s/ NELS PETERSON,
Attorney for Johnnie Jordan.

State of Oregon,
County of Multnomah—ss.

Be It Remembered, That on this 27th day of May, 1957, before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named Johnnie Jordan, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Seal] /s/ NELS PETERSON,
Notary Public for Oregon.

My Commission Expires: 6/10/60.

[Endorsed]: Filed June 27, 1957.

[Title of District Court and Cause.]

MOTION TO DISMISS OR FOR
SUMMARY JUDGMENT

Comes Now the defendant States Marine Corporation of Delaware and pursuant to rule 12 (b) of the Federal Rules of Civil Procedure moves the Court for an order dismissing plaintiff's action or in the alternative for a summary judgment in favor of defendant.

This motion is made upon the ground:

1. The Court lacks jurisdiction over the subject matter; and
2. The plaintiff has failed to state a claim upon which relief can be granted.

This motion is based upon plaintiff's complaint and upon the admissions made by plaintiff pursuant to written request for same on file herein.

WHITE, SUTHERLAND AND
WHITE,

/s/ WILLIAM F. WHITE,
GRAHAM, JAMES & ROLPH,
Attorneys for Defendant.

Service admitted.

[Endorsed]: Filed July 9, 1957.

In the United States District Court
for the District of Oregon
Civil No. 9220

MARTHA JORDAN,

Plaintiff,

vs.

STATES MARINE CORPORATION OF DELA-
WARE, a Corporation,

Defendant.

SUMMARY JUDGMENT

Motion of defendant States Marine Corporation of Delaware to dismiss or for summary judgment having come on regularly to be heard before the above-entitled Court; Nels Peterson, Esq. of Messrs. Peterson, Pozzi & Lent appearing for the plaintiff and William F. White, Esq., of Messrs. White, Sutherland & White appearing for the defendant; said motion being based upon the plaintiff's complaint and her admissions and it appearing no genuine issue as to a material fact exists and that as a matter of law defendant is entitled to a summary judgment;

It Is Hereby Ordered, Adjudged and Decreed that a summary judgment be, and it is hereby entered in favor of defendant and against plaintiff dismissing said action.

Dated: September 30th, 1957.

/s/ GUS J. SOLOMON,

Judge, United States District
Court.

[Endorsed]: Filed October 1, 1957.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Martha Jordan, Plaintiff in the above entitled cause hereby gives Notice of Appeal to the United States Court of Appeals for the Ninth Circuit from a certain Judgment entered at Portland, Oregon, on the 1st day of October, 1957, by the Honorable Gus J. Solomon, Judge of the United States District Court for the District of Oregon, in favor of the defendant and against plaintiff herein.

Dated this 31st day of October, 1957.

PETERSON, POZZI AND
LENT,

/s/ BERKELEY LENT,

Attorneys for Plaintiff-
Appellant.

Service accepted.

[Endorsed]: Filed October 30, 1957.

[Title of District Court and Cause.]

MOTION FOR ORDER EXTENDING TIME
TO MAKE AND FILE DESIGNATION OF
RECORD ON APPEAL

Comes now the plaintiff, Martha Jordan, and based upon annexed affidavit of Edwin A. York, respectfully moves the Court for an order exetnding the time of the defendant to make and file a desig-

nation of record on appeal with the Clerk of the United States Court of Appeals for the Ninth Circuit, to and including the 10th day of January, 1958.

PETERSON, POZZI AND
LENT,

/s/ EDWIN A. YORK,
Attorneys for Plaintiff
Martha Jordan.

I hereby certify that I am one of the attorneys for the plaintiff in the above entitled cause; that I have prepared the foregoing motion, that the same is made in good faith and not for the purpose of delay and that in my opinion said motion is well founded in law.

/s/ EDWIN A. YORK,
Of Attorneys for Plaintiff.

So stipulated:

/s/ WILLIAM F. WHITE,
Of Attorneys for Defendant.

Affidavit in support of motion attached.

[Endorsed]: Filed December 9, 1957.

[Title of District Court and Cause.]

ORDER

It appearing to the Court from the record and file herein that the plaintiff has filed a Notice of Appeal

to the United States Court of Appeals, for the Ninth Circuit and that the plaintiff has filed a motion for an order extending the time in which to file a designation of record on appeal, and it appearing to the Court that good cause exists therefore; now therefore,

It Is Hereby Ordered that the time of the plaintiff for making and filing a designation of record on appeal to the United States Court of Appeals for the Ninth Circuit be and the same hereby is extended and including the 10th day of January, 1958.

Dated this 9th day of December, 1957.

/s/ WILLIAM G. EAST,
Judge.

[Endorsed]: Filed December 9, 1957.

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

United States of America,
District of Oregon—ss.

I, R. DeMott, Clerk of the United States District Court for the District of Oregon, do hereby certify that the foregoing documents consisting of Transcript on removal from Circuit Court, Multnomah County, Oregon, Bond on removal, Request for admissions, Motion to dismiss or for summary judg-

ment, Summary judgment, Notice of appeal, Undertaking for costs on appeal, Motion for order extending time to make and file designation of record on appeal, Order for extension of time for filing designation of record on appeal, Designation of Record on appeal by Appellant, Designation of record on Appeal by Appellee and Transcript of docket entries, constitute the record on appeal from a judgment of said court in a cause therein numbered Civil 9220, Martha Jordan, plaintiff and appellant vs. States Marine Corporation of Delaware, a corporation, defendant and appellee; that the said record has been prepared by me in accordance with the designations of contents of record on appeal filed by the appellant and appellee, and in accordance with the rules of this court.

I further certify that the cost of filing the notice of appeal, \$5.00, has been paid by the appellant.

In Testimony Whereof I have hereunto set my hand and affixed the seal of said court in Portland, in said District, this 13th day of December, 1957.

[Seal]

R. DeMOTT,
Clerk;

By /s/ MILDRED SPARGO,
Deputy Clerk.

[Endorsed]: No. 15830. United States Court of Appeals for the Ninth Circuit. Martha Jordan, Appellant vs. States Marine Corporation of Delaware, a corporation, Appellee. Transcript of Record. Appeal from the United States District Court for the District of Oregon.

Filed December 16, 1957.

Docketed: December 26, 1957.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the
Ninth Circuit.

In the United States Court of Appeals
for the Ninth Circuit

No. 15830

MARTHA JORDAN,

Appellant,

vs.

STATES MARINE CORPORATION OF DELA-
WARE, a Corporation,

Appellee.

STATEMENT OF POINTS UPON WHICH
APPELLANT INTENDS TO RELY

Pursuant to Rule 17 (6) of the rules of the above-entitled Court, appellant present the following statement of points upon which she intends to rely on appeal in the above-entitled cause.

I.

The trial court erred in granting a summary judgment in favor of the defendant and against plaintiff dismissing said action upon the grounds that plaintiff failed to state a claim upon which relief could be granted.

Appellant adopts a designation of record as filed in the United States District Court for the District of Oregon, in the above-entitled cause.

PETERSON, POZZI AND
LENT,

/s/ EDWIN A. YORK,

Attorneys for Appellant.

Affidavit of service by mail attached.

[Endorsed]: Filed January 7, 1958.